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PATENT APPLICATION NO. 09/827,100  
ATTORNEY DOCKET NO. T8418.NP

### DECLARATION AND PETITION

As the below named inventors, we hereby declare: that our residence, post office address, and citizenship are as stated below next to our names; that we verily believe we are the original, first, and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled PROTEINS DEPOSITED ONTO SPARINGLY SOLUBLE BIOCOMPATIBLE PARTICLES FOR CONTROLLED PROTEIN RELEASE INTO A BIOLOGICAL ENVIRONMENT FROM A POLYMER MATRIX, the specification of which was filed on April 5, 2001 as United States Application No. 09/827,100; that we have reviewed and understand the contents of the above-identified specification, including the claims; and that we acknowledge the duty to disclose information which is material to patentability as defined in § 1.56(a) of Title 37 of the Code of Federal Regulations.

We hereby claim the benefit under Section 120 of Title 35 of the United States Code of the earlier filed provisional patent application filed in the United States as application serial no. 60/195,700 filed on April 7, 2000; and, insofar as the subject matter of each of the claims of these applications is not disclosed in the earlier filed pending applications in the manner provided by the first paragraph of Section 112 of Title 35 of the United States code, we acknowledge the duty to disclose material information, as defined in Section 1.56(a) of Title 37 of the Code of Federal Regulations, which occurred between the filing date of the earlier filed applications and the filing date of this application.

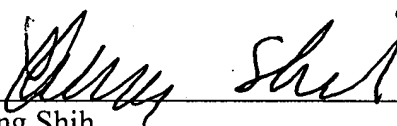
We declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

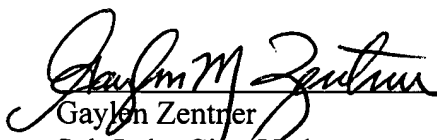
Wherefore, we pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, and this petition.

Signed at Sandy, Utah, this 14 day of May, 2001.

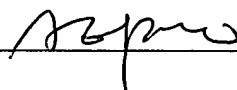
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**POWER OF ATTORNEY**

MacroMed, Incorporated, a corporation organized and existing under the laws of the State of Utah, having a business address of 9520 South State Street, Sandy, Utah 84070, owner of all right, title and interest in the invention entitled PROTEINS DEPOSITED ONTO SPARINGLY SOLUBLE BIOCOMPATIBLE PARTICLES FOR CONTROLLED PROTEIN RELEASE INTO A BIOLOGICAL ENVIRONMENT FROM A POLYMER MATRIX for which an application for United States Letters patent was filed on April 5, 2001, and given U.S. Patent Application Serial No. 09/827,100, and empowered to prosecute the U.S. and foreign applications on behalf of the inventors, hereby appoint as its attorneys and/or patent agents the law firm of THORPE NORTH & WESTERN, LLP, having a business address of 8180 South 700 East, Suite 200, Sandy, Utah 84070, and VAUGHN W. NORTH, Registration No. 27,930, M. WAYNE WESTERN, Registration No. 22,788, CLIFTON W. THOMPSON, Registration No. 36,947, GARRON M. HOBSON, Registration No. 41,073, PETER M. DE JONGE, Registration No. 47,521, WEILI CHENG, Registration No. 44,609, DAVID R. MCKINNEY, Registration No. 42,868, STEVE M. PERRY, Registration No. 45,357, GARY P. OAKESON, Registration No. 44,266, and DAVID W. OSBORNE, Registration No. 44,989, all with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

All correspondence concerning this application should be directed to:

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Dated this 11<sup>TH</sup> day of May 2001 at Sandy, UT

MACROMED, INCORPORATED

By

*[Signature]*  
**James E. Herrin**  
Executive Director  
Corporate Development